

March 20, 1974

PRESIDENT: I don't have any other lights on. If you're going to speak, do it now.

SENATOR SCHMIT: Well, Mr. President and members of the Legislature. I'm having some copies made of some amendments which might deserve some consideration. There is a technical problem in the bill in regard to providing immunity for a person who has to testify under subpoena. I'd like to add that to the bill but I am very much in agreement with Senator Carpenter that to fool around very much with this bill is to jeopardize that which we know exist today in some areas and which some people prefer not to acknowledge does exist. I do not, I have not had the chance to discuss with Senator Proud just exactly what his amendment does but I'm afraid it does that which I do not want it to do. I have a suggestion which I might try to put on the bill as soon as those amendments can be copied. I'll have them back in here but at this time I would not support Senator Proud's motion.

PRESIDENT: Senator Syas.

SENATOR SYAS: Well, I just want to be right on this. I'm interesting in section, this number 5 here. So I just want to ask someone two questions. I don't care who answers it. I suppose the one that passed the material out, Senator Kelly should answer it. But, of course, he's ...I don't know what he's doing back there. Five....we'll say Roberts Dairy, for instance. You mean to say if they couldn't have a retail and also sell to a store? Is that what you're really saying? That they'd have to go out of business?

PRESIDENT: Would you care to respond?

SENATOR KELLY: Yes, that would be an assumption that could be made.

SENATOR SYAS: An assumption? Now wait a minute.....

SENATOR KELLY: Now...the reason that.....legalees, they never say yes or no, they say probably, it's my opinion, etc.

SENATOR SYAS: Well, who did you ask?

SENATOR KELLY: This note was requested by me from a man by the name of Dick Berkhelmer and it is not a legal opinion, it is his notes and a quick perusal of these amendments and he's just suggesting some situations that comes to his mind that appear to be prohibitive under the amendments that we have on LB1028.

SENATOR SYAS: Well, the only thing that's bothering me and I want to do the right thing on this bill....but, I couldn't go for the bill if number 5 would be the way you've got it written here. But you're unsure of yourself.

SENATOR KELLY: Well, I certainly am and I believe that that's an excellent term. That I'm unsure of myself. Very definitely. Now, I've continued to ask...what about prior agreement in section 6 of the amendments and it's that a conspiracy must be proved before any of the list of the violations would come into play. Yet this particular note to me says that conspiracy is not the controlling word. That it's the doing of the act and when you do it, it's unlawful and when it's unlawful, it's a conspiracy. So, yes, that's the very correct word that's in my mind, Senator Syas.